

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
No. 1:09-CR-17**

UNITED STATES OF AMERICA )  
 )  
 v. ) **ORDER**  
 )  
 ALBERT CHARLES BURGESS, JR. )  
 )

**THIS MATTER** is before the Court upon Defendant's Motion for Relief from Waiver and Motion to Dismiss. (Doc. 168). For the following reasons, Defendant's Motion is **DENIED**.

The Court takes judicial notice that the motions Defendant files here are duplicative of previous requests for relief. (Doc. 109, 110, 123). As Defendant's arguments have already been considered and rejected, the motion is hereby **DENIED**.

**IT IS THEREFORE ORDERED** that Defendant's Motion for Relief from Waiver and Motion for Release of Brady Materials (Doc. 168) is **DENIED**.

Signed: August 9, 2010

Graham C. Brucker

Graham C. Mullen  
United States District Judge

